

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

GREATER ST. LOUIS CONSTRUCTION)
LABORERS WELFARE FUND, et al.,)

Plaintiffs,)

v.)

No. 4:98-CV-2078 CAS

JEFFREY W. WHITE and LAURA WHITE,)
individuals d/b/a PRECISION DRILLING)
AND BLASTING,)

Defendants.)

ORDER GRANTING MOTION FOR REVIVAL OF JUDGMENT

This matter is before the Court on the plaintiffs' Motion for Revival of Judgment. On October 30, 2009, the Court issued an Order to Show Cause [Doc. 36], which directed defendants Jeffrey W. White and Laura White, individuals d/b/a Precision Drilling and Blasting, to show cause in writing by November 30, 2009 why the judgment plaintiffs previously obtained against them on November 2, 2000 should not be revived.

Defendant Jeffrey W. White responded to the show cause order by letter dated November 21, 2009. In his letter, Mr. White states that the judgment against him was a consent judgment "due to the dates getting mixed up and we did not show up on the proper court date." Although the letter is unclear with respect to dates, Mr. White states that his company attempted to leave the union. After the company left the union, the union apparently filed suit for unpaid benefits. Mr. White states that defendants were treated unfairly by union. Finally, Mr. White states that "Precision Drilling and Blasting and Jeff and Laura White personally had to file bankruptcy and are no longer in business."

Defendant Laura White was served with the show cause order, but has not filed any response. See Doc. 38.

The Court, being well advised in the premises, finds that:

1. A Judgment in favor of plaintiffs and against defendants Jeffrey W. White and Laura White, two individuals doing business as Precision Drilling and Blasting, in the amount of Two Hundred Twenty-Four Thousand Two Hundred Fifty-Nine Dollars and Twenty-Eight Cents (\$224,259.28), together with post-judgment interest as allowed by law, was entered by the United States District Court, Eastern District of Missouri, Eastern Division, in Case No. 4:98-CV-2078 CAS, on November 2, 2000.

2. Plaintiffs have collected \$3,110.57 of the Judgment.

3. The motion to revive the Judgment was timely filed.

4. On November 30, 2009, plaintiffs filed an affidavit of service for defendant Jeffrey White. The affidavit states that on November 23, 2009, plaintiffs served defendant Jeffrey White personally with the Order to Show Cause at Casey's General Store, 301 N. Missouri Street, Potosi, Missouri 63664.

5. On November 30, 2009, plaintiffs filed an affidavit of service for defendant Laura White. The affidavit states that on November 11, 2009, plaintiffs served defendant Laura White (n/k/a Laura Logsden) with the Order to Show Cause by personally serving Betty Logsden, the mother of Laura Logsden, at their usual place of abode, 10049 Campbell, Potosi, Missouri 63664.¹

6. Pursuant to Rule 54.13(b)(1) of the Missouri Rules of Civil Procedure and Rule 4 of the Federal Rules of Civil Procedure, defendants were properly served with notice of the Order to Show Cause.

¹Defendant Laura White was served with a prior show cause order in this case at this address using this means of service. See Doc. 35. Although the affidavit of service filed November 30, 2009 omits the information regarding Laura White's current name and her relationship to Betty Logsden, this information is contained in the prior affidavit of service. See Docs. 35 and 38.

7. Under Missouri law, the judgment debtor “may come into court and show cause why the original judgment should not be revived.” Crockett v. Polen, 2006 WL 3068581, *5 (Mo. App. Oct. 31, 2006), rev’d on other grounds, 225 S.W.3d 419 (Mo. 2007). The debtor’s defenses are limited, however, to either the judgment does not exist or the judgment has been satisfied. See id. Defendants have not raised such defenses.

8. The Judgment in favor of plaintiffs and against defendants should be and hereby is continued and revived.

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s Motion for Revival of Judgment is **GRANTED**.

[Doc. 30]

IT IS FURTHER ORDERED that the Judgment herein in the amount of Two Hundred Twenty-Four Thousand Two Hundred Fifty-Nine Dollars and Twenty-Eight Cents (\$224,259.28), together with post-judgment interest as allowed by law, is continued and revived against defendants Jeffrey W. White and Laura White, individuals doing business as Precision Drilling and Blasting.

IT IS FURTHER ORDERED that the Clerk of the Court shall mail a copy of this Order Granting Motion for Revival of Judgment to defendant Jeffrey W. White at P.O. Box 10, Potosi, Missouri 63664 and Laura White (n/k/a Laura Logsdon) at 10049 Campbell Road, Potosi, Missouri 63664.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 16th day of December, 2009.